

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE MAY 5, 2010

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE APRIL 5, 2010

## **SENATE BILL**

**No. 1193**

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**Introduced by Senators Lowenthal and Pavley**  
(Coauthor: Assembly Member Torlakson)

February 18, 2010

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~~An act to amend Section 17078.72 of, and to add Section 17074.31 to, the Education Code, relating to school facilities, and declaring the~~  
*An act to add Sections 17072.19 and 17074.31 to the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Lowenthal. School facilities funding: high performance schools.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act), requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding and supplemental funding for site development and acquisition and requires the board to adopt rules and regulations for the

administration of the Greene Act. The Kindergarten-University Public Education Facilities Bond Act of 2006 (*2006 bond act*) sets aside \$100,000,000 of the proceeds of the bonds sold under that act for incentive grants under the Greene Act to promote the use of design and materials in new construction and modernization projects that include the attributes of ~~high-performance~~ *high performance* schools.

Existing law authorizes a grant for new construction to be used for the costs of design and materials that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools. A school district is required to certify, as part of its application for funding under the Greene Act, that it has considered the feasibility of using these characteristics of high performance schools.

This bill would increase the amount of a modernization grant by \$250,000 per schoolsite and the amount of a new construction grant by \$150,000 per schoolsite if a school district incorporates the use of high performance design and materials, and if the project is able to achieve one of 2 specified objectives. This increase would be provided from the \$100,000,000 set aside for this purpose in the 2006 bond act. The bill would require the State Allocation Board to adopt, and the Office of Administrative Law to process, emergency regulations to implement these provisions. ~~The bill would make a Career Technical Education Facilities Program project eligible for these grant increases, provided the project meets the criteria prescribed by these provisions.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 17072.19 is added to the Education Code,
- 2     to read:
- 3     17072.19. (a) In addition to the amount provided in Section
- 4     17072.10, if a school district incorporates the use of high
- 5     performance design and materials specified in Section 17070.96,
- 6     the amount of a new construction grant shall be increased by one

1 hundred fifty thousand dollars (\$150,000) per schoolsite if the  
2 project is able to meet one of the following objectives:

3 (1) Score the requisite number of points to meet the high  
4 performance criteria set forth in regulations, as determined by the  
5 board and certified by the Division of the State Architect.

6 (2) Achieve a minimum certification or rating label from a  
7 nationally recognized, third-party verified standard, accepted by  
8 the board, for construction, renovation, or retrofit of high  
9 performance schools. The Division of the State Architect shall  
10 confirm that the project has met the minimum certification or rating  
11 level by a third-party verified standard.

12 (b) In addition to the funding authorized pursuant to subdivision  
13 (a), the board shall provide funding for new construction projects  
14 that exceed the criteria specified in subdivision (a), based on a  
15 high performance rating scale set forth in regulations.

16 (c) The board shall adopt emergency regulations to administer  
17 this section at the next regularly scheduled board meeting following  
18 the effective date of this section. If the effective date of this section  
19 is within fewer than 10 days of the next regularly scheduled board  
20 meeting, the board shall adopt the emergency regulations at the  
21 following meeting. The Office of Administrative Law shall process  
22 these emergency regulations within 14 calendar days of their  
23 adoption.

24 (d) Pursuant to Section 17072.32, a school district shall be  
25 required to provide matching funds for any funds received pursuant  
26 to this section, except for projects conducted and funded pursuant  
27 to Section 17075.10.

28 (e) The energy efficiency and renewable energy savings realized  
29 from a project pursuant to this section, as calculated annually  
30 over the useful life of the project, shall be retained by the school  
31 district. The state funding shall not be reduced based on realized  
32 energy efficiency and renewable energy savings.

33 (f) The increase in the amount of a new construction grant  
34 pursuant to this section shall be provided from funds made  
35 available pursuant to paragraph (8) of subdivision (a) of Section  
36 101012.

37 **SECTION 1.**

38 **SEC. 2.** Section 17074.31 is added to the Education Code, to  
39 read:

1 17074.31. (a) Notwithstanding Section 17074.10, if a school  
2 district incorporates the use of the high performance design and  
3 materials specified in Section 17070.96, the amount of the  
4 modernization grant shall be increased by two hundred fifty  
5 thousand dollars (\$250,000) per schoolsite, ~~and the amount of a~~  
6 ~~new construction grant shall be increased by one hundred fifty~~  
7 ~~thousand dollars (\$150,000) per schoolsite~~ if the project is able to  
8 meet one of the following objectives:

9 (1) Score the requisite number of points to meet the high  
10 performance criteria set forth in regulations, as determined by the  
11 board and certified by the Division of the State Architect.

12 ~~(2) Achieve Collaborative for High Performance Schools~~  
13 ~~“verified” status in accordance with the California Edition of the~~  
14 ~~Collaborative for High Performance Schools criteria, with~~  
15 ~~confirmation by the Division of the State Architect.~~

16 *(2) Achieve a minimum certification or rating label from a*  
17 *nationally recognized, third-party verified standard, accepted by*  
18 *the board, for construction, renovation, or retrofit of high*  
19 *performance schools. The Division of the State Architect shall*  
20 *confirm that the project has met the minimum certification or rating*  
21 *level by a third-party verified standard.*

22 (b) In addition to the funding authorized pursuant to subdivision  
23 (a), the board shall provide funding for modernization projects  
24 that exceed the criteria specified in subdivision (a), based on a  
25 high performance rating scale set forth in regulations.

26 (c) The board shall adopt emergency regulations to administer  
27 this section at the next regularly scheduled board meeting following  
28 the effective date of this section. If the effective date of this section  
29 is within fewer than 10 days of the next regularly scheduled board  
30 meeting, the board shall adopt the emergency regulations at the  
31 following meeting. The Office of Administrative Law shall process  
32 these emergency regulations within 14 calendar days of their  
33 adoption.

34 (d) Pursuant to Section 17074.16, a school district shall be  
35 required to provide matching funds for any funds received pursuant  
36 to this section, except for projects funded pursuant to Section  
37 17075.10.

38 (e) Funds received by a school district pursuant to this section  
39 do not constitute a modernization apportionment pursuant to this

1 article, and do not reduce modernization eligibility authorized by  
2 Article 6 (commencing with Section 17073.10).

3 (f) The energy efficiency and renewable energy savings realized  
4 from a project pursuant to this section, as calculated annually over  
5 the useful life of the project, shall be retained by the school district.  
6 The state funding shall not be reduced based on realized energy  
7 efficiency and renewable energy savings.

8 (g) The increase in the amount of a modernization grant pursuant  
9 to this section shall be provided from funds made available  
10 pursuant to paragraph (8) of subdivision (a) of Section 101012.

11 SEC. 2. ~~Section 17078.72 of the Education Code is amended~~  
12 ~~to read:~~

13 ~~17078.72.—(a) The Career Technical Education Facilities~~  
14 ~~Program is hereby established to provide funding to qualifying~~  
15 ~~local educational agencies for the purpose of constructing new~~  
16 ~~facilities or reconfiguring existing facilities, including, but not~~  
17 ~~limited to, purchasing equipment with an average useful life~~  
18 ~~expectancy of at least 10 years, to enhance educational~~  
19 ~~opportunities for pupils in existing high schools in order to provide~~  
20 ~~them with the skills and knowledge necessary for the high-demand~~  
21 ~~technical careers of today and tomorrow.~~

22 ~~(b) The State Department of Education, in cooperation with the~~  
23 ~~Chancellor's Office of the Community Colleges, the Labor and~~  
24 ~~Workforce Development Agency, and industry groups, shall~~  
25 ~~develop criteria and pupil outcome measures to evaluate the~~  
26 ~~program. The criteria shall ensure equity, program relevance to~~  
27 ~~industry needs, and articulation with more advanced coursework~~  
28 ~~at the partnering community colleges or private institutions.~~

29 ~~(c) The program shall be based on grant applications~~  
30 ~~administered by the board.~~

31 ~~(d) Grants shall be allocated on a per-square-foot basis for the~~  
32 ~~applicable type of construction proposed or deemed necessary by~~  
33 ~~the board consistent with the approved application for the project.~~

34 ~~(e) New construction grants shall not exceed three million~~  
35 ~~dollars (\$3,000,000) per project per schoolsite, inclusive of~~  
36 ~~equipment, and shall only be allocated to comprehensive high~~  
37 ~~schools that have an active Career Technical Advisory Committee~~  
38 ~~pursuant to Section 8070, in either of the following methods:~~

39 ~~(1) For a stand-alone project on a per-square-foot basis for the~~  
40 ~~applicable type of construction proposed, based on the criteria~~

1 established pursuant to subdivision (b), consistent with the  
2 approved application for the project.

3 (2) For new school projects, as a supplement to the per pupil  
4 allocation pursuant to Section 17072.10. The supplement is  
5 intended to cover excess costs uniquely related to the facilities  
6 required to provide the career technical education program or  
7 programs.

8 (f) Modernization grants shall not exceed one million five  
9 hundred thousand dollars (\$1,500,000) per project per schoolsite,  
10 inclusive of equipment and may be awarded to comprehensive  
11 high schools or joint power authorities currently operating career  
12 technical education programs that have an active Career Technical  
13 Advisory Committee pursuant to Section 8070 for the purpose of  
14 reconfiguration. For comprehensive high schools, the grant shall  
15 be supplemental to the per pupil allocation pursuant to Section  
16 17074.10. The supplement is intended to cover excess costs  
17 uniquely related to the facilities required to provide the career  
18 technical education program or programs.

19 (g) (1) A school district shall contribute from local resources  
20 a dollar amount that is equal to the amount of the grant of state  
21 funds awarded under subdivisions (d), (e), and (f). The local  
22 contribution may be provided by private industry groups, the school  
23 district, or a joint powers authority.

24 (2) A school district shall not be required to demonstrate that it  
25 has unhoused pupils or that a permanent school building is more  
26 than 25 years old in order to receive a grant under the program.

27 (h) The program shall allow the local contribution to be paid  
28 over time should sufficient local funds not be immediately  
29 available. The board may provide for a repayment schedule  
30 consistent with subparagraphs (C) and (D) of paragraph (1) of  
31 subdivision (a) of Section 17078.57. The board shall not waive  
32 the local contribution on the basis of financial hardship or on any  
33 other basis.

34 (i) Applications shall meet the criteria developed under  
35 subdivision (b) and shall require all of the following:

36 (1) A clear and comprehensive Career Technical Education plan  
37 for each course of study applicable to the instructional space.

38 (2) Projections of pupil enrollment.

39 (3) Identification of feeder schools, industry partners, and  
40 community colleges or other postsecondary schools participating

1 in the development, articulation, and review of the educational  
2 program.

3 (4) Evidence of approval of the plan by the entities listed in  
4 paragraph (3).

5 (5) The method by which accountability for pupil enrollments  
6 and outcomes will be maintained. Outcomes shall include, but are  
7 not limited to, certificate completion, the successful entry of pupil  
8 to employment in the applicable industry, and successful transition  
9 to post-secondary institutions for work in the applicable industry  
10 or other areas of study.

11 (6) Evidence of coordination with all feeder schools, middle  
12 schools, and high schools within the area to ensure that the project  
13 and programs complement career technical education offerings in  
14 the area.

15 (7) Evidence that upon completion of the project the local  
16 educational agency will meet all of its obligations under Section  
17 51228 relating to career technical education.

18 (j) Applications shall give weight to the number of pupils  
19 expected to attend, the cost per pupil, financial participation by  
20 industry partners in the construction and equipping of the facility,  
21 commitment to accountability for outcomes and participation, the  
22 strength and relevance of the educational plans to the needs of  
23 industry for qualified technical employees applicable to the  
24 economic development needs of the region in which the project  
25 will be located, and coordination and articulation with feeder  
26 schools, other high schools, and community colleges.

27 (k) The Office of Public School Construction shall develop and  
28 the board shall approve regulations to implement this article on or  
29 before April 19, 2007, and the board may promulgate those  
30 regulations first on an emergency basis, which shall be effective  
31 for no more than 12 months, after which any permanent regulations  
32 shall be promulgated in accordance with the Administrative  
33 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
34 Part 1 of Division 3 of Title 2 of the Government Code).

35 (l) A project approved pursuant to this section is eligible for a  
36 grant increase pursuant to Section 17074.31, provided the project  
37 meets the criteria prescribed in that section.

38 SEC. 3. This act is an urgency statute necessary for the  
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into  
2 immediate effect. The facts constituting the necessity are:  
3 In order to quickly provide funding from the  
4 Kindergarten-University Public Education Facilities Bond Act of  
5 2006 to school districts so that they may build energy efficient and  
6 energy generation projects through a streamlined green schools  
7 program that also will create critically needed jobs, provide energy  
8 consumption savings to fiscally strapped school districts, and  
9 ensure healthy learning environments for our children, it is  
10 necessary that this act take effect immediately.

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